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*J.B.*

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/533,685    03/23/00    HEARN

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EXAMINER

DEXTER, C.

ART UNIT

PAPER NUMBER

3724

# 5

DATE MAILED:

01/17/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/533,685

Applicant(s)  
Hearn

Examiner  
Clark F. Dexter

Group Art Unit  
3724



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-19 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1, 2, 17 and 19, drawn to a cutting apparatus and method of cutting with a specific cutting relationship between two cutting devices, classified in class 83, subclass 300.
  - II. Claims 1, 3-9, 15 and 18, drawn to a cutting apparatus with specific cutting and anvil cylinder structures, classified in class 83, subclass 659.
  - III. Claims 1 and 10-13, drawn to a cutting apparatus with a specific cutting cylinder/anvil cylinder relationship, classified in class 83, subclass 344.
  - IV. Claims 1 and 14, drawn to a cutting apparatus with a specific support structure, classified in class 83, subclass .663
  - V. Claims 1 and 16, drawn to a cutting apparatus with guide belts, classified in class 83, subclass 310.
2. Claims 1-17 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the specific cutting relationship between the first and second cutting devices of Group I). It is noted that if claim 1 as originally filed is part of an elected group and determined to be patentable, rejoinder of claims 1-17 will be considered. It is further noted that claim 1 is not part of any of the groups, but rather is common to all groups and

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has been shown as part of each group for clarity (i.e., so that it is clear which claims are part of which group). That is, claim 1 is a claim that is considered to recite subject matter which is common to all groups (i.e., not independent or distinct from any of the groups) and will be examined with the elected group.

3. The inventions are distinct, each from the other because of the following reasons:

4. Inventions of groups I and II are separate inventions. They are distinct because the invention of group I does not require the specific details of the cylinder structure (e.g., the anvil cylinder having nipping elements) of group II for patentability as evidenced by the omission thereof from group I, and the invention of group II does not require the specific details of the cutting relationship between the two cutting devices (e.g., cutting surfaces of a second segmented cutting element axially overlapping the cutting surfaces of a first segmented cutting element) of group I for patentability as evidenced by the omission thereof from group II.

5. Inventions of groups I and III are separate inventions. They are distinct because the invention of group I does not require the specific details of the relationship between the cutting cylinder and the anvil cylinder (e.g., the circumferentially indexable relationship therebetween) of group III for patentability as evidenced by the omission thereof from group I, and the invention of group III does not require the specific details of the cutting relationship between the two cutting devices (e.g., cutting surfaces of a second segmented cutting element axially overlapping the cutting surfaces of a first cutting element) of group I for patentability as evidenced by the omission thereof from group III.

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6. Inventions of groups I and IV are separate inventions. They are distinct because the invention of group I does not require the specific details of the cylinder support structure (e.g., cantileverable) of group IV for patentability as evidenced by the omission thereof from group I, and the invention of group IV does not require the specific details of the cutting relationship between the two cutting devices (e.g., cutting surfaces of a second segmented cutting element axially overlapping the cutting surfaces of a first cutting element) of group I for patentability as evidenced by the omission thereof from group IV.

7. Inventions of groups I and V are separate inventions. They are distinct because the invention of group I does not require the guide belts of group V for patentability as evidenced by the omission thereof from group I, and the invention of group V does not require the specific details of the cutting relationship between the two cutting devices (e.g., cutting surfaces of a second segmented cutting element axially overlapping the cutting surfaces of a first cutting element) of group I for patentability as evidenced by the omission thereof from group V.

8. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the specific details of the relationship between the cutting cylinder and the anvil cylinder (e.g., the circumferentially indexable relationship therebetween) of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the specific details of the cylinder structure (e.g., the anvil cylinder

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having nipping elements) of group II for patentability as evidenced by the omission thereof from group III.

9. Inventions of groups II and IV are separate inventions. They are distinct because the invention of group II does not require the specific details of the cylinder support structure (e.g., cantileverable) of group IV for patentability as evidenced by the omission thereof from group II, and the invention of group IV does not require the specific details of the cylinder structure (e.g., the anvil cylinder having nipping elements) of group II for patentability as evidenced by the omission thereof from group IV.

10. Inventions of groups II and V are separate inventions. They are distinct because the invention of group II does not require the guide belts of group V for patentability as evidenced by the omission thereof from group II, and the invention of group V does not require the specific details of the cylinder structure (e.g., the anvil cylinder having nipping elements) of group II for patentability as evidenced by the omission thereof from group V.

11. Inventions of groups III and IV are separate inventions. They are distinct because the invention of group III does not require the specific details of the cylinder support structure (e.g., cantileverable) of group IV for patentability as evidenced by the omission thereof from group III, and the invention of group IV does not require the specific details of the relationship between the cutting cylinder and the anvil cylinder (e.g., the circumferentially indexable relationship therebetween) of group III for patentability as evidenced by the omission thereof from group IV.

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12. Inventions of groups III and V are separate inventions. They are distinct because the invention of group III does not require the guide belts of group V for patentability as evidenced by the omission thereof from group III, and the invention of group V does not require the specific details of the relationship between the cutting cylinder and the anvil cylinder (e.g., the circumferentially indexable relationship therebetween) of group III for patentability as evidenced by the omission thereof from group V.

13. Inventions of groups IV and V are separate inventions. They are distinct because the invention of group IV does not require the guide belts of group V for patentability as evidenced by the omission thereof from group IV, and the invention of group V does not require the specific details of the cylinder support structure (e.g., cantileverable) of group IV for patentability as evidenced by the omission thereof from group V.

14. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

15. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
January 12, 2001